

ORDINANCE NO. 01- 404

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADDING CHAPTER 12.64 TO TITLE 12 OF THE LOS ALTOS MUNICIPAL
CODE FOR THE PURPOSE OF PROHIBITING
WOOD BURNING FIREPLACES**

SECTION 1 - FINDINGS: The City Council of the City of Los Altos does hereby ordain as follows:

(a) That it is the policy of the State of California as provided in Section 65860 et. seq. of the California Government Code, that the Buildings and Construction Ordinance shall be consistent with the City's General Plan; and

(b) That the proposed ordinance is consistent with the Los Altos General Plan and serves to implement Chapter 9 - Goal 6 of the Los Altos General Plan; and

(c) That the intent of the proposed ordinance is to improve and maintain air quality conditions in the City in order to protect and enhance the health and quality of life of its citizens, as well as contribute to improvements in regional air quality, by reducing air pollutant emissions from wood-burning fireplaces; and

(d) That no apparent significant negative environmental effects will occur from the code amendments, according to the terms and meanings of the California Environmental Quality Act, and therefore the action is not subject to further environmental analysis pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

(e) That the City Council has heard and considered evidence submitted at a duly noticed City Council public hearing, such evidence indicating a distinct community benefit for adoption of an ordinance amending the Buildings and Construction Ordinance.

SECTION 2 - CODE AMENDMENT: The following is added as Chapter 12.64 of Title 12 of the Los Altos Municipal Code:

12.64.010 Purpose of Article.

The purpose of this Article is to improve and maintain air quality conditions in the City in order to protect and enhance the health and quality of life of its citizens, as well as contribute to improvements in regional air quality, by reducing air pollutant emissions from wood-burning fireplaces.

12.64.020 Definition.

"Fireplace" means any installed masonry or factory-built device designed to be used with an air-to-fuel ratio greater than or equal to 35-to-1. Excluded from this definition are wood pellet-fueled heaters or U.S. EPA certified wood heaters, or devices intended to be solely used for the preparation of food (e.g., wood burning ovens, outdoor barbeques).

12.64.030 Limitations.

(a) All fireplaces in new construction shall be gas-fired fireplaces (natural or propane) with dedicated gas jets, direct venting, convection chambers, heat exchanger, variable heat output and flame control, and permanently affixed artificial logs. Excluded are existing fireplaces, regardless of how many exist.

(b) It is unlawful to burn garbage, plastics, rubber, paints, solvents, oil, treated wood products, particle board, coal, or any other material that produces noxious or toxic emissions when burned in a wood-burning fireplace.

SECTION 3 - PUBLICATION: A summary of this ordinance shall be published in the Los Altos Town Crier, as provided for in Government Code Section 36937.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on September 11, 2001 and was thereafter, at a regular meeting held on September 25, 2001 passed and adopted by the following roll call vote:

AYES: Mayor Lear, Councilmembers Becker, Casto and Moss

NOES: Councilmember La Poll

ABSENT: None



King Lear, Mayor

Attest:


Carol Scharz, City Clerk